

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC. FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	
AN ADDITIONAL CELL SITE IN LOUISVILLE,	)	
KENTUCKY FOR THE PROVISION OF DOMESTIC	)	CASE NO. 96-462
PUBLIC CELLULAR RADIO	)	
TELECOMMUNICATIONS SERVICE TO THE	)	
PUBLIC IN JEFFERSON COUNTY, KENTUCKY AND	)	
THE LOUISVILLE MSA	)	

O R D E R

On September 27, 1996, Kentucky CGSA, Inc. d/b/a BellSouth Mobility Inc. ("BellSouth Mobility") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications facility in the Louisville MSA ("the Louisville MSA"). The proposed facility consists of a monopole antenna tower not to exceed 130 feet in height, with attached antennas, to be located at 434 Market Street, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 15' 11.57" by West Longitude 85° 44' 41.84".

BellSouth Mobility has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), BellSouth Mobility submitted a proposal for construction of the facility to the Jefferson County Planning Commission on September 27, 1996. The Commission received comments from the Planning Commission on December 4, 1996 stating that revisions were necessary prior to approval of the proposed construction. To date, no further comments have been filed by the Planning Commission. BellSouth Mobility has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

BellSouth Mobility has filed notices verifying that each person who owns property or resides within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. In addition, BellSouth Mobility has posted notice of the proposed construction in a visible location for at least two weeks after filing its application. The Commission received comments from an adjacent property owner objecting to the proposed construction. As ordered by the Commission, BellSouth Mobility responded to the property owner's comments. Under separate letter, the Commission notified the property owner of his right to request intervention and a hearing if not satisfied with BellSouth Mobility's response. To date, no further comments have been filed.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, BellSouth Mobility should notify the Commission if it does not use this antenna tower to provide service in the manner

set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by BellSouth Mobility.

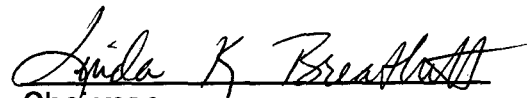
The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that BellSouth Mobility should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed facility in the Louisville MSA under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. BellSouth Mobility is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 130 feet in height, with attached antennas, to be located at 434 Market Street, Louisville, Jefferson County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 15' 11.57" by West Longitude 85° 44' 41.84".
2. BellSouth Mobility shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 4th day of February, 1997.


PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director

  
Commissioner